

## **Residential Properties (First-hand Sales) Ordinance**

### **Guidelines on Sales Arrangements and Other Information**

#### **General**

1. Vendors should fully comply with the relevant requirements on sales arrangements as set out in the Residential Properties (First-hand Sales) Ordinance (the Ordinance) for the sale of specified residential properties on or after 29 April 2013.

#### **Promulgation of Sales Arrangements**

2. Section 47(1) of the Ordinance stipulates the timing of making available the information on sales arrangements to the general public.
3. When counting the “3 days” as required under section 47 of the Ordinance for making available the documents containing the information on sales arrangements -
  - (i) a date of sale is excluded from the counting of the “3 days”; and
  - (ii) all Saturdays, Sundays and Public Holidays are included in the counting of the “3 days”.
4. The following example illustrates the timing of making available the aforementioned documents -:

Example : A vendor wishes to offer to sell a property on 4 January

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| From<br>00:00 on<br>1 January<br>to<br>24:00 on<br>3 January | <ul style="list-style-type: none"><li>● Make available hard copies of a document containing information on the sales arrangements for collection by the general public free of charge.</li><li>● Make available information on the sales arrangements for inspection on the website designated by the vendor for the development (the designated website).</li></ul> |
| On 4 January<br>and on each<br>date of sale                  | <ul style="list-style-type: none"><li>● Make available hard copies of a document containing information on the sales arrangements for collection by the general public free of charge.</li><li>● Make available the same information for inspection on the designated website.</li></ul>   |

Note : The vendor may, if he wishes, make available the sales arrangements earlier than 3 days immediately before the sale.

### **Revision of Sales Arrangements**

5. If any part of the sales arrangements has been revised subsequent to its first issue, vendors should make available the revised sales arrangements on its designated website for inspection and in hard copies for collection by the general public. They may either do so by (i) issuing another document of sales arrangements; or (ii) making amendments to the previous document on sales arrangements<sup>1</sup>.
6. If changes are made to the sales arrangements, the residential properties affected by the changes should only be sold or offered to be sold after the revised sales arrangements have been made available to the public for a period of at least three days. Examples are set out in paragraphs 7 and 8 below.

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<sup>1</sup> Making amendments to a previous document on sales arrangements may be done by removing (i.e. not crossing out) the outdated/inaccurate parts and substituting them with the accurate/revised contents as appropriate. There is no need to retain the previous contents.

7. If in the original document containing the sales arrangement, there is only one place (e.g. location A) where the specified residential property will be offered to be sold. After three days, the vendor adds another place (e.g. location B) where the specified residential property will also be offered to be sold and issues a revised document setting out the new sales arrangements. In this case, the residential property can continue to be offered to be sold at location A, but can only be offered to be sold at location B after the revised sales arrangements have been made available to the public for a period of at least three days immediately before the date of sale under section 47(1) of the Ordinance.
  
8. If, after issuing a document on the sales arrangements setting out prescribed residential properties to be offered for sale on a specific date, the vendor wishes to offer additional residential properties for sale, it may issue another document of sales arrangements to cover the arrangements for the sale of the additional residential properties, and follow the requirements under section 47(1) of the Ordinance. Alternatively, owners may announce the offer for sale of those additional residential properties by making amendments to the previous document on sales arrangements. If so, the additional residential properties can only be offered to be sold after the revised document of sales arrangements have been made available to the public for a period of at least three days immediately before the date of sale under section 47(1) of the Ordinance. As for the other properties on the amended document of sales arrangement to which there are no changes to their sales arrangements, there is no need for the owner to wait for another three days to offer to sell those properties.

### **Plans and Documents Made Available to General Public**

9. On each day where the sale of specified residential properties takes place, vendors are required to make available the plans and documents as set out in section 48 of the Ordinance for inspection by the general public free of charge at the sales offices.

10. On each day where the sale of specified residential properties takes place, vendors are required to make available the deed of mutual covenant (DMC) and the aerial photograph of the development as set out in section 49 of the Ordinance for inspection on the designated website.

### **Expression of Intent**

11. Section 34 of the Ordinance sets out clearly at what time point vendors may seek and accept different types of expression of intent. The effect of section 34(1) of the Ordinance is that the vendor must not seek general expression of intent, and must reject such expression of intent, any time before the first day on which copies of any price list setting out the prices of those specified residential properties have been made available to the public. The effect of section 34(2) of the Ordinance is that the vendor must not seek and must reject specific expression of intent before the first day on which the specified residential property is offered to be sold. On and after the first day on which the specified residential property is offered to be sold, the vendor may seek and accept specific as well as general expression of intent.

### **Transitional Arrangements**

12. The following transitional arrangements will apply:
  - (a) For residential properties which have commenced sale before 29 April 2013, the vendor should ensure that sales arrangements made available on or after 29 April 2013 fully comply with the relevant requirements under the Ordinance; and
  - (b) For residential properties in a development which are intended to be offered for sale on or after 29 April 2013, including residential properties in a development which have commenced sale before 29 April 2013, sale may commence on/continue on and after 29 April 2013 if sales arrangements which comply with the relevant requirements under the Ordinance are made available before 26 April 2013.

## **How to Provide Information to the Sales of First-hand Residential Properties Authority (SRPA)**

13. Please refer to Guidelines No. G05/13 on how to provide information to the SRPA.

For enquires, please contact us via the following -

Telephone : 2817 3313

Email : [enquiry\\_srpa@hd.gov.hk](mailto:enquiry_srpa@hd.gov.hk)

Fax : 2219 2220

Sales of First-hand Residential Properties Authority

5 April 2013